

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

MAY 16 2015

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America)

v.)

Juan HERNANDEZ)

YOB: 1994)

USC)

Case No. M-15-0779-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 15, 2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 371

Conspiracy to commit an offense against the United States.

18 USC 924(a)(1)(A)

Knowingly makes a false statement and representation with respect to the information required to be kept in the records of a licensed federal firearms dealer.

This criminal complaint is based on these facts:

See Attachment A

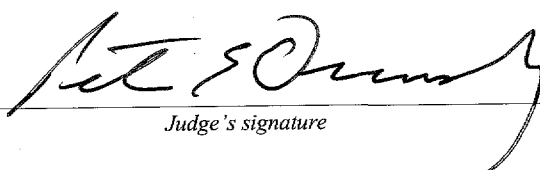
☒ Continued on the attached sheet.

Complainant's signature

Special Agent Kevin E. Brown Jr. ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/16/20151:27 a.m.
Judge's signature

City and state:

McAllen, Texas

Honorable Peter Ormsby

Printed name and title

ATTACHMENT A

I, Kevin E. Brown Jr., being duly sworn, do hereby state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a Division of the United States Justice Department, and have been so employed since April 5, 2009. Prior to employment with the ATF, I was employed with the Amarillo Police Department for 4 years. As a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, I am vested with the authority to investigate violations of Federal laws, including Titles 18 and 26, United States Code.

(a.) This affidavit is in support of a criminal complaint charging Juan HERNANDEZ (hereinafter referred to as HERNANDEZ), with the criminal violation set forth in Attachment A. The evidence available to me demonstrates that there is probable cause to believe that HERNANDEZ has violated Title 18 U.S.C 371 to commit Title 18 U.S.C. 922(a)(1)(A) which provide as follows:

Knowingly makes a false statement and representation with respect to the information required to be kept in the records of a licensed federal firearms dealer.

Further, the Affiant states as follows:

1. On May 15, 2015 ATF and HSI Agents observed two individuals (hereinafter referred to as "Jesse" and "Jon") purchase two AK47 type rifles each at Johnny's True Value, a Federal Firearms Licensee operating in Harlingen, TX. Agents detained both subjects outside of Johnny's True Value and transported them to the Harlingen ATF Office for interviews. Both Jesse and Jon were read their miranda warnings prior to being interviewed. During the interviews, both individuals admitted to being recruited to straw purchase firearms by "Wachin" (later identified as Juan Alfonso HERNANDEZ). Along with the interviews, agents also observed numerous text messages between HERNANDEZ and Jesse and Jon, in which HERNANDEZ was coordinating the purchase and exchange of firearms being purchased by Jesse and Jon on behalf of HERNANDEZ (messages were reviewed after both Jesse and Jon consented to a search of the phone being used to communicate with HERNANDEZ). Jesse provided a telephone number of 956-274-8061 which HERNANDEZ was using to communicate with Jesse. Jesse also admitted he had met with HERNADNEZ on May 14, 2015 at the Plaza Mall in McAllen, Texas, to pick up \$4000.00 from HERNADNEZ that was to be used to commit the straw purchase of firearms.

2. Jesse agreed to cooperate with agents and deliver the firearms to a third party acting on behalf of HERNANDEZ. After several calls, which were monitored by agents, to coordinate a delivery of the firearms between Jesse and HERNANDEZ, Jesse met with two other individuals (herinafter referred to as "Cris" and "Mario") in the parking lot of a store in Donna, TX to deliver the firearms. After they met, agents approached Cris and Mario and detained them for investigation. During the interviews, and after waiving their rights per Miranda, both Cris and Mario admitted to being hired by HERNANDEZ to pick up firearms from Jesse and deliver them to HERNANDEZ. Cris and Mario also admitted to straw purchasing firearms for HERNANDEZ and delivering them to him. Both Cris and Mario agreed to cooperate with the agents and "deliver" the firearms to "Wachin" (HERNANDEZ).

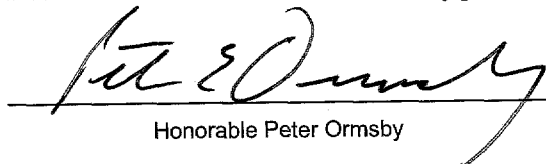
ATTACHMENT A

3. After several phone calls between Cris and HERNANDEZ (to the same number used by HERNANDEZ when speaking with Jesse), which were also monitored by agents, HERNANDEZ instructed Cris to meet him at the Plaza Mall to pay him for picking up and delivering the firearms and to give further instruction of where Cris was going to deliver the firearms. HERNANDEZ also mentioned to Cris that he had a "quota" that had to be delivered to "Mexico" (referring to the firearms that were being delivered by Cris).
4. After HERNANDEZ met with Cris, agents arrested HERNANDEZ for his role in the straw purchasing scheme. HERNANDEZ did not want to provide any statements to arresting agents.



Special Agent Kevin E. Brown Jr.

Sworn to before me and subscribed in my presence,



Honorable Peter Ormsby

05/16/2015

1:27 a.m.